

REMARKS

Claims 1-14 are pending in this application. Claims 1, 4, 7, and 12 have been amended. Claims 25 and 26 have been added. No new matter has been introduced as a result of these amendments.

Rejections Under 35 USC 102

In light of the amendments to claim 1, the Applicants respectfully request the removal of the rejections under 35 USC 102. In particular, independent claim 1 has been amended to incorporate the features of the opening in the first dielectric layer being larger than a base of the protruding emitter tips; and the opening in the dielectric support layer defining a conical shape with sides defined by an inner surface of the dielectric support layer, the conical shape having an aperture at a vertex, the aperture being smaller than the base of respective protruding emitter tips. Gray et al. does not teach or disclose the opening above the emitter tips having a conical shape where the aperture is smaller than the base of the respective emitter tips, as illustrated in the present invention in Figures 7, 8, 10, 14 and 15. Accordingly, the Applicants respectfully request that the rejection to claim 1 be withdrawn in light of this amendment.

Rejections Under 35 USC 103

Claims 2-14 were rejected under 35 USC 103. Claims 2-6 depend from claim 1. As mentioned above, claims 1 and 7, as amended, are not anticipated by Gray et al. Furthermore, none of the secondary references cited to be used in combination with Gray et al. cure the deficiencies of Gray et al. Gray et al. is silent as to the conical shape and the aperture being

smaller than the base of the emitter. Gray et al. specifically illustrates the opening being cylindrical or square. The Applicants respectfully submit that Gray et al. cannot be modified to disclose the features of amended claims 1 and 7, since this would require changes to the fabrication process disclosed by Gray et al.

The Applicants would also like to point out that claims 4 and 12 have been amended to include the feature that the size of the opening in the gate layer is larger than the aperture. Gray et al. is incapable of achieving this feature as the opening of the gate layer defines the aperture in Gray et al. In addition, claims 25 and 26 have been added and include the feature that the first dielectric layer etches at a faster rate than the dielectric support layer. Gray et al. and each of the cited references are silent to this feature.

Applicants respectfully request a Notice of Allowance based on the foregoing remarks. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 774 6921. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ALTEP057). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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